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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,388	02/28/2004	John P. Kallestad	DC1-001	4950

7590

01/27/2006

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/789,388

Applicant(s)

KALLESTAD, JOHN P.



Examiner

Sean Kayes

Art Unit

2841

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, for providing undue breadth as they are single means claims. See MPEP 2164.08(a).

### ***Claim Rejections - 35 USC § 102***

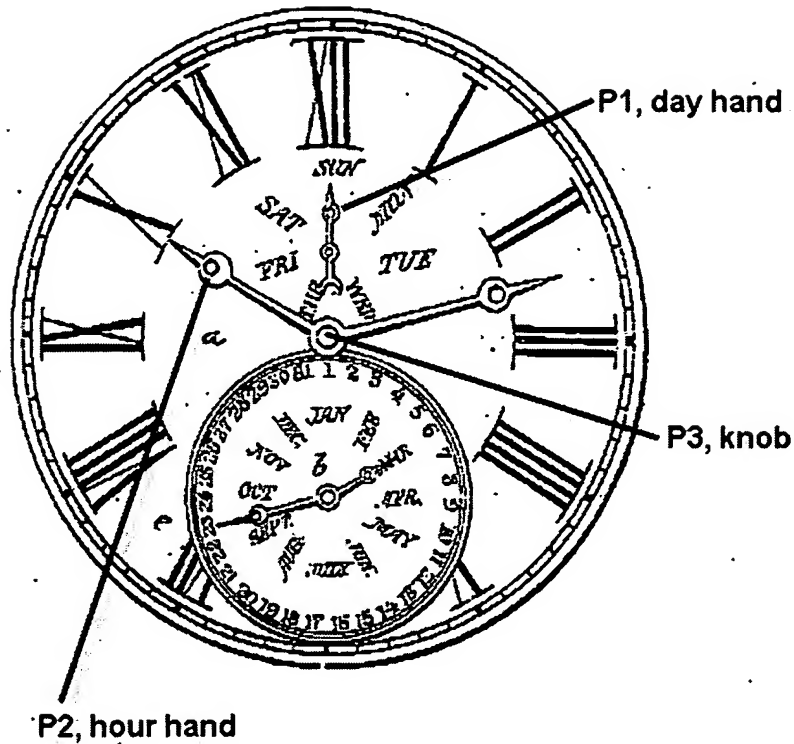
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter (US 39883.)
5. With respect to claim 1 Carter discloses a clock comprising means for actuating a hand to indicate day of the week (the driving means behind the movement of P1, picture I, shown in figure 1 as item C.)

I.

*Fig. 2.*

6. With respect to claim 2 Carter discloses a clock as described in claim 1 wherein said means for actuating said hand (P1) comprises at least one gear (see figure 1) having a rotation cycle of 7 days.

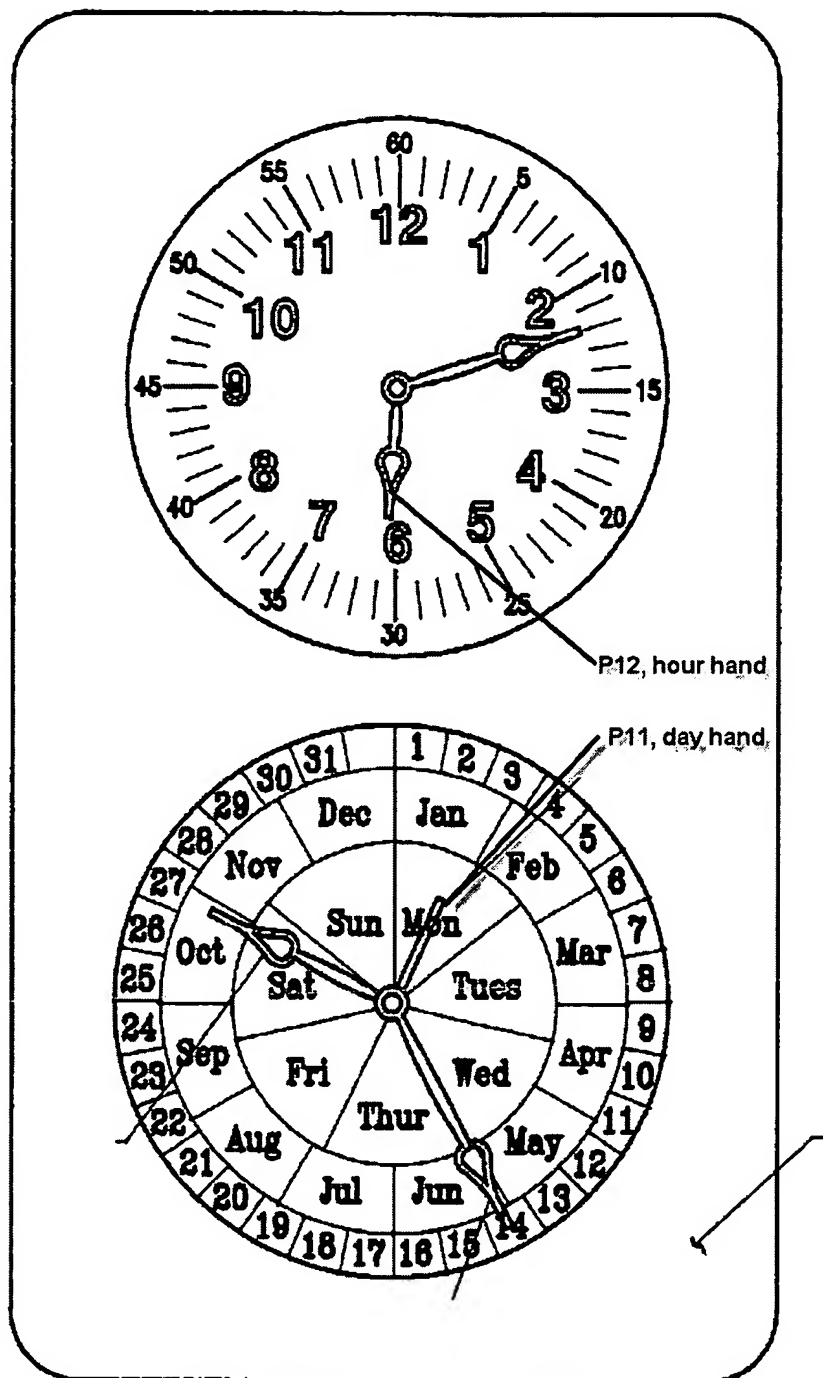
7. With respect to claim 3 Carter discloses a clock as described in claim 2 wherein said gear communicates with at least one other gear (gear connected to hand P2) that completes 14 revolutions in said cycle.

8. With respect to claim 4 Carter discloses a clock as described in claim 3 wherein said other gear actuates at least one hand (P2) to indicate hours.

9. With respect to claim 7 Carter discloses a clock as described in claim 1 further comprising means for adjusting time indicated by said clock (a means for adjusting time indicated by a clock is implied.)
10. With respect to claim 8 Carter discloses a clock as described in claim 1 wherein said adjustment means comprises at least one knob (the time can be adjusted by rotating the displayed hand about the knob P3, picture I.)
11. With respect to claim 9 Carter discloses a clock as described in claim 1 wherein said adjustment means comprises at least one knob to adjust said day indicator (the hour hand, P2, is connected to the day hand, P1, and rotating the hour hand to adjust the time would in turn rotate and adjust the day hand, P1.)
12. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Evans (US 6359840.)
13. With respect to claim 1 Evans discloses a clock comprising means for actuating a hand (P11, picture II.) to indicate day of the week.

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II.



14. With respect to claim 2 Evans discloses a clock as described in claim 1 wherein said means for actuating said hand comprises at least one gear having a rotation cycle of 7 days (the gear that drives P11.)
15. With respect to claim 3 Evans discloses a clock as described in claim 2 wherein said gear communicates with at least one other gear that completes 14 revolutions in said cycle (the gear that drives P12.)
16. With respect to claim 4 Evans discloses a clock as described in claim 3 wherein said other gear actuates at least one hand to indicate hours (P12.)
17. With respect to claim 5 Evans discloses a clock as described in claim 1 wherein said means comprises quartz oscillation (column 1 lines 13-27.)
18. With respect to claim 6 Evans discloses a clock as described in claim 1 wherein said means comprises battery power means (column 1 lines 13-27.)
19. With respect to claim 7 Evans discloses a clock as described in claim 1 further comprising means for adjusting time (item 36, figure 6) indicated by said clock.
20. With respect to claim 8 Evans discloses a clock as described in claim 1 wherein said adjustment means comprises at least one knob (item 36 figure 6.)
21. With respect to claim 9 Evans discloses a clock as described in claim 1 wherein said adjustment means comprises at least one knob (36 figure 6) to adjust said day indicator.
22. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kallestad (US D458566.)

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23. With respect to claim 1 Kallestad discloses a clock comprising means for actuating a hand (P21, picture III.) to indicate day of the week.

24. With respect to claim 2 Kallestad discloses a clock as described in claim 1 wherein said means for actuating said hand comprises at least one gear having a rotation cycle of 7 days (the gear that drives P21.)

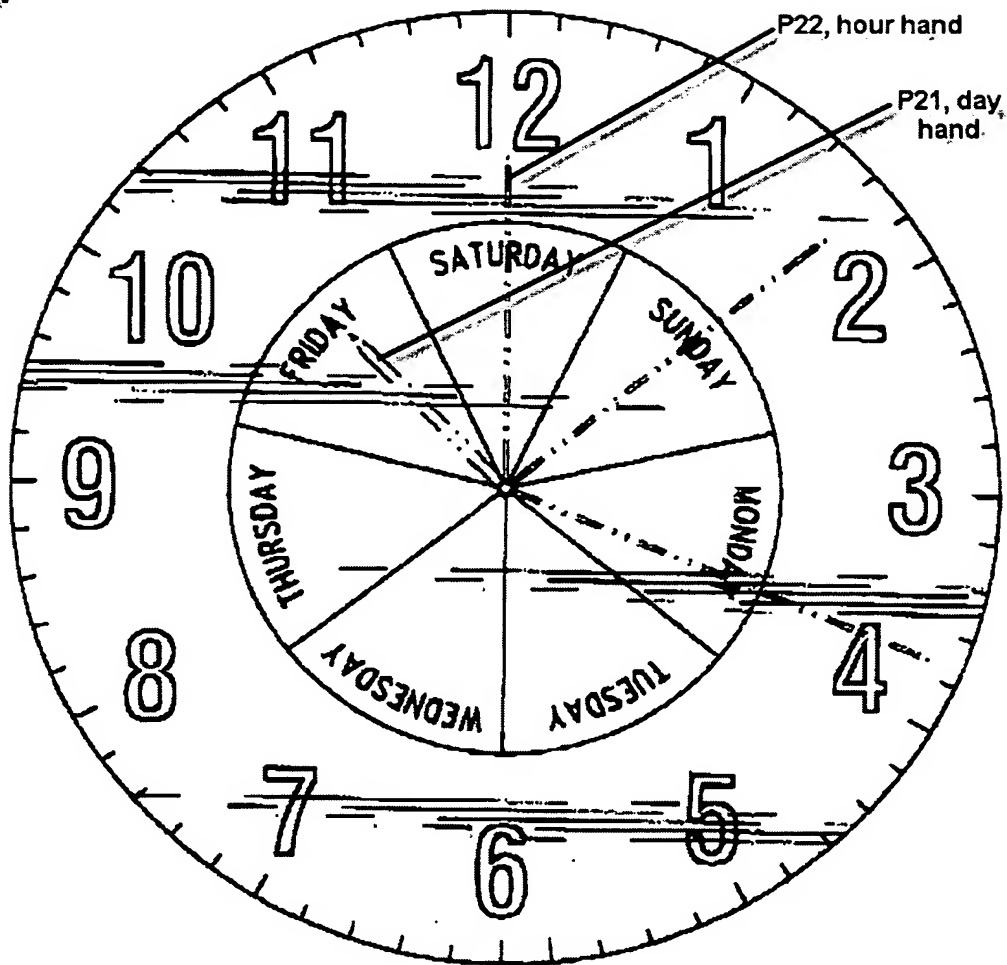
25. With respect to claim 3 Kallestad discloses a clock as described in claim 2 wherein said gear communicates with at least one other gear that completes 14 revolutions in said cycle (the gear that drives P22.)

26. With respect to claim 4 Kallestad discloses a clock as described in claim 3 wherein said other gear actuates at least one hand to indicate hours (P22.)



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III.

***Claim Rejections - 35 USC § 103***

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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28. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter (US 39883.)

29. With respect to claim 5 Carter discloses a clock as described in claim 1.

Carter does not disclose wherein said means comprises quartz oscillation.

Quartz oscillation means are notoriously well known in the art.

It would have been obvious to one skilled in the art to combine a quartz oscillation means with Carter's clock.

The suggestion or motivation for doing so is to make the clock more accurate.

30. With respect to claim 6 Carter discloses a clock as described in claim 1.

Carter does not disclose wherein said means comprises battery power means.

The use of batteries to power clocks is very well known in the art.

At the time of the invention it would have been obvious to one skilled in the art to combine a battery with Carter's clock.

The suggestion or motivation for doing so would be to provide a long lasting power source so that the clock does not require regular attention in order to function.

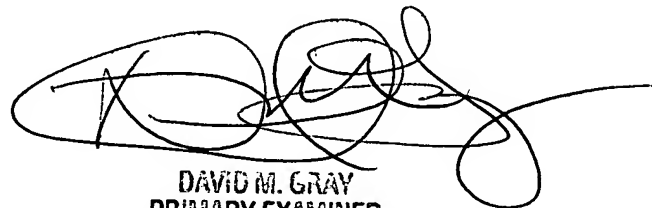
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK  
1/19/06



DAVID M. GRAY  
PRIMARY EXAMINER